

STANDARD APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014

DEC 23 2003

Case No. 5394
 Date Filed 12/18/03
 Hearing Date _____
 Receipt _____
 Fee \$450

Shaded Areas for Office Use Only

Type of Application	CASE 5394 MAP 56 TYPE Variance
<input type="checkbox"/> Administrative Decision/Interpretation	ELECTION DISTRICT 3 LOCATION 1501 South Tollgate Road, Bel Air, Md. 21015
<input type="checkbox"/> Special Exception	BY Bel Air Veterinary Hospital Inc.
<input type="checkbox"/> Use Variance	
<input type="checkbox"/> Change/Extension of Non-Conforming Use	Appealed because a variance pursuant to Section 219-17 of the Harford County Sign Code from
<input type="checkbox"/> Minor Area Variance	Section 219-13D(1) to permit a professional sign in excess of two square feet (proposed 60 square feet)
<input type="checkbox"/> Area Variance	ten feet in height. If necessary, a variance pursuant to Section 219-17 of the Harford County Sign Code
<input type="checkbox"/> Variance from Requirements of the Code	from Section 219-5B to permit the proposed sign to be greater than 35 feet in height above the road grade
<input type="checkbox"/> Zoning Map/Drafting Correction	in an Agricultural District requires approval by the Board.
<input checked="" type="checkbox"/> Sign Variance	

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Bel Air Veterinary Hospital, Inc. Phone Number call attorney

Address 1501 South Tollgate Road Bel Air MD 21015-5822
Street Number Street City State Zip Code

Co-Applicant N/A Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative John J. Gessner Phone Number 410-893-7500

Address 11 S. Main Street Bel Air MD 21014
Street Number Street City State Zip Code

Hearing: 2/11/04 Rev. 12/00

Land Description

Address and Location of Property 8.73 Acres 1501 South Tollgate Road

Subdivision N/A

Lot Number _____

Acreage/Lot Size 8.73+

Election District 3

Zoning AG

Tax Map No. 56

Grid No. 1C

Parcel 25

Water/Sewer: Private _____ Public X

List ALL structures on property and current use: house, carport, bird coop, bird pen, kennels, barn, pole barns, propane tanks, block building

Estimated time required to present case: 30 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? N/A

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes _____ No X

Is this request within one (1) mile of any incorporated town limits? Yes X No _____

Request

See attached

Justification

See attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

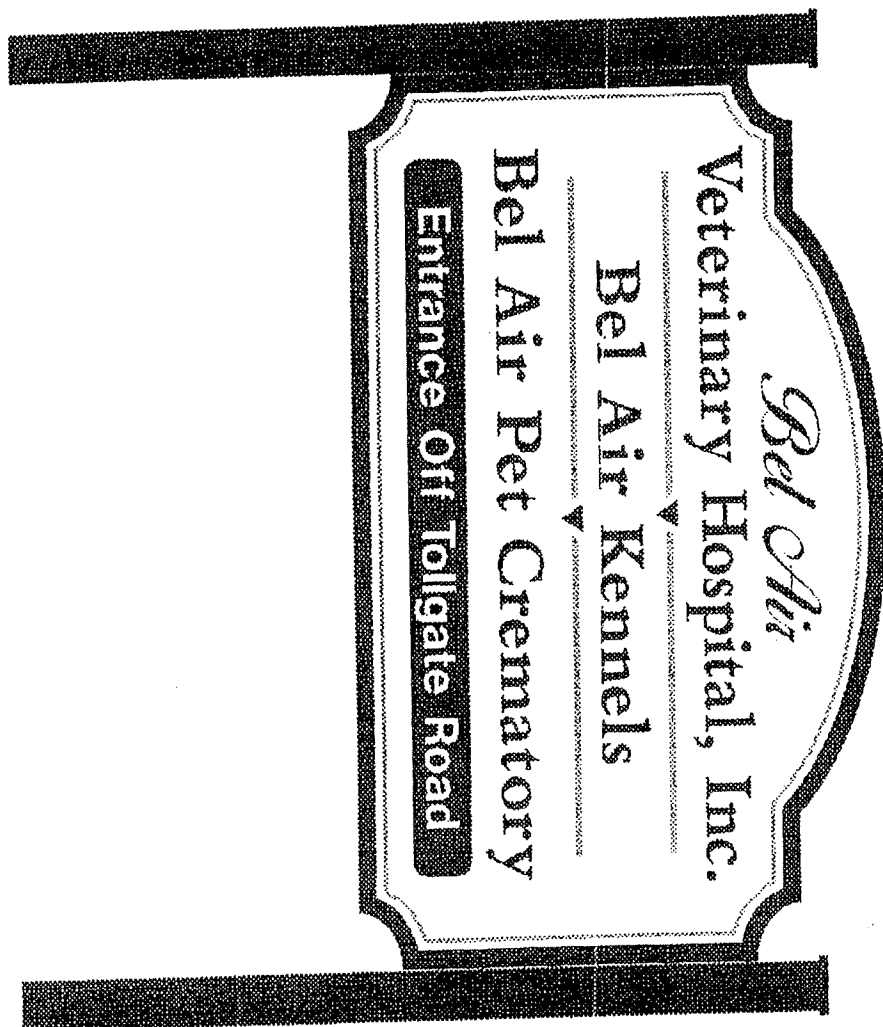
ATTACHMENT TO APPLICATION OF BEL AIR VETERINARY HOSPITAL, INC.

REQUEST:

1. A variance pursuant to Section 219-17 of the Harford County Sign Code ("Code") from Section 219-13 (D)(1) to permit a profession sign to be erected on the subject property, zoned AG, Agricultural, with an area in excess of two (2) square feet (sixty (60) square feet proposed) ten (10) feet in height as shown on the attached site plan.
2. If necessary, a variance pursuant to Section 219-17 of the Code from the provisions of Section 219-5(B) of the Code to permit the proposed sign to be greater than thirty-five (35) feet in height above the road grade of Maryland Route 24.

JUSTIFICATION:

By reason of the configuration or irregular shape of the subject property or by reason of topographic conditions or other exceptional circumstances unique to the lot or building, practical difficulty results. Access to the subject property is from South Tollgate Road. The subject property has frontage on Maryland Route 24, but no access to that road. Most of the clients who visit the subject property travel on Maryland Route 24. A sign visible to motorists traveling on Maryland Route 24 is necessary to identify the use conducted on the subject property and to promote traffic safety.



6' x 10'

SCALE
1/2" = 1' 0"

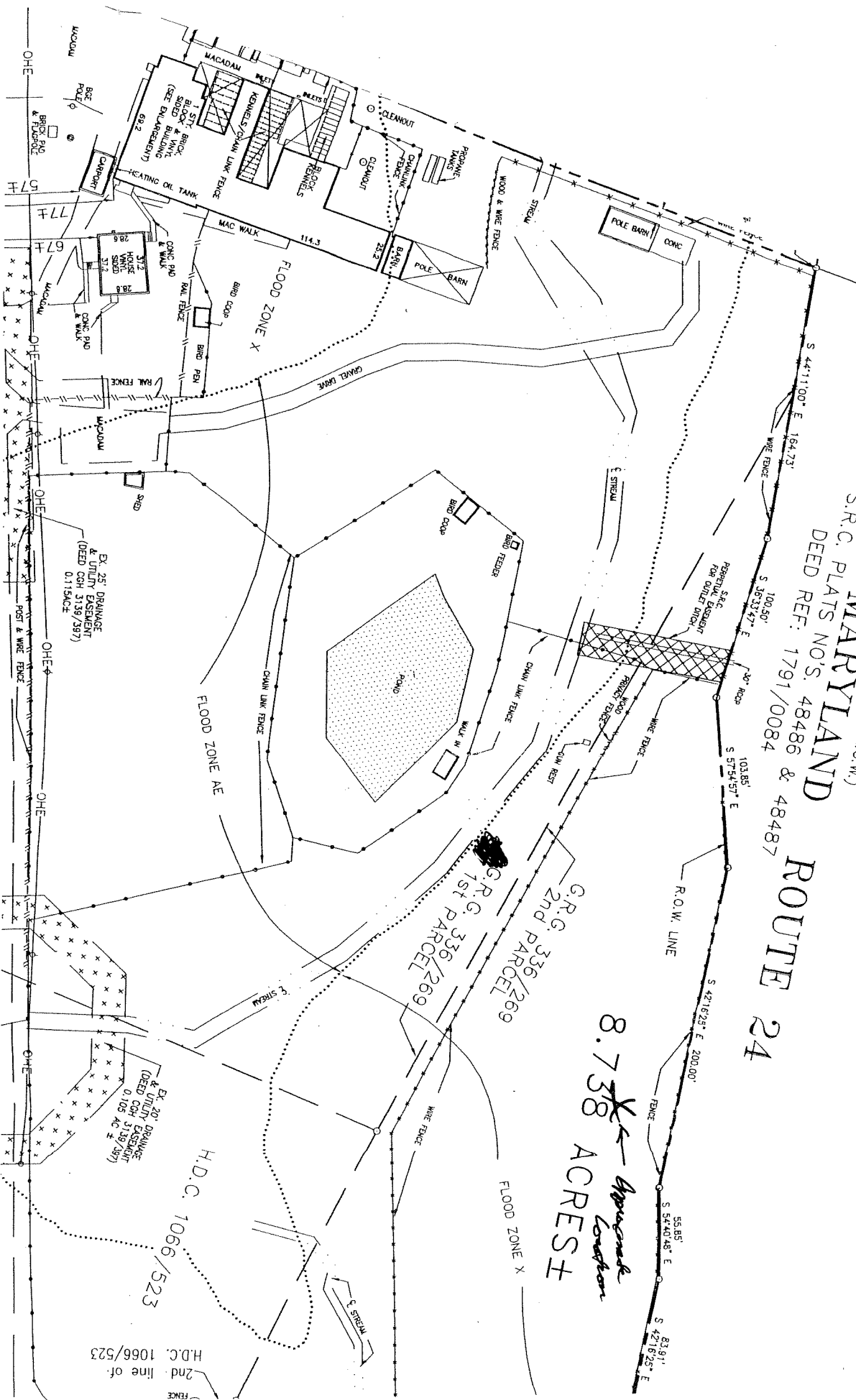
(VARIABLE

MARY

DEED REF. 48488

ROUTE 24

8.738 ~~ACRES~~ ← Approximate location
ACRES ±



JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



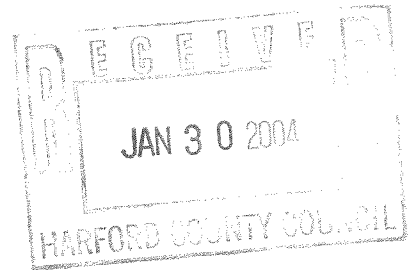
J. STEVEN KAH-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

January 29, 2004

STAFF REPORT



BOARD OF APPEALS CASE NO. 5394

APPLICANT/OWNER: Bel Air Veterinary Hospital, Inc.
1501 South Tollgate Road, Bel Air, Maryland 21015-5822

REPRESENTATIVE: John J. Gessner
11 South Main Street, Bel Air, Maryland 21014

LOCATION: 1501 South Tollgate Road
Tax Map: 56 / Grid: 1C / Parcel: 25
Election District: 3

ACREAGE: 8.73 acres

ZONING: AG/Agricultural

DATE FILED: December 18, 2003

HEARING DATE: February 18, 2004

APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.

CODE REQUIREMENTS:

The Applicant is requesting a variance pursuant to Section 219-17 of the Harford County Sign Code from Section 219-13D(1) to permit a professional sign in excess of 2 square feet (60 square feet proposed) 10-feet in height. If necessary, a variance pursuant to Section 219-17 of the

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS (410) 638-3103
220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

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Bel Air Veterinary Hospital, Inc.

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Harford County Sign Code from Section 219-5B to permit the proposed sign to be greater than 35-feet in height above the road grade in an Agricultural District.

Section 219-17 of the Harford County Sign Code reads:

"The Board may grant a variance from the provisions of this chapter if, by reason of the configuration or irregular shape of the lot or by reason of topographic conditions or other exceptional circumstances unique to the lot or building, practical difficulty or unnecessary hardship results. The Board shall, before granting the variance, make a written finding as part of the record that the conditions or circumstances described are unique to the lot or building, that the conditions or circumstances cause the difficulty or hardship and that the variance can be granted without impairment of the purpose and provisions of this chapter."

Section 219-13D(1) of the Harford County Sign Code reads:

"Professional or home occupation signs. One lighted sign; not exceeding two square feet in area, on lots not exclusively used for residential purposes shall be permitted. These signs may be attached flat against the building or, if freestanding, located not less than ten feet from the road right of way."

Section 219-5B of the Harford County Sign Code reads:

"Freestanding signs. A freestanding sign shall include any sign supported by uprights or braces placed upon the ground and not attached to any building. Business signs may be freestanding if the property has a minimum of forty (40) feet of road frontage. The sign area shall be calculated on the basis of one (1) square foot of sign for every foot of property road frontage. However, the maximum area of any freestanding sign shall not exceed two hundred (200) square feet. The setback measured to the edge of the sign shall be equal to one-third (1/3) of the required building setback. Unless otherwise provided herein, the maximum height allowed for any freestanding sign is thirty-five (35) feet above the nearest public road grade [amended by Bill No. 86-28]."

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located on the east side of Tollgate Road and the west side of MD Route 24, between West Ring Factory Road to the north and Plumtree Road to the south. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

This area of the County is located within the Development Envelope. Land use designations include Low, Medium and High Intensities. The Natural Features Map reflects stream buffer systems. The subject property is designated as Low Intensity, which is defined by the 1996 Master Plan as:

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Low Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are examples of some of the nonresidential uses associated with this designation.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Resources Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in the area are consistent with the intent of the Master Plan. Residential uses include single-family dwellings, townhouses, garden apartments and condominiums. Commercial uses range from individual retail uses to an integrated community shopping center. There are also a variety of motor vehicle related services and personal and professional services. Enclosed with the report is a copy of the aerial photograph (Attachment 6).

The subject property is an irregular shaped parcel consisting of 8.73 acres with road frontage on Tollgate Road and Maryland Route 24. Improvements consist of a dwelling, brick and block building serving as the veterinary hospital with attached kennels and runs, paved parking area, a barn and other out buildings, a pond and fenced pastureland. The terrain of the property is rolling to steep, especially near the Route 24 right-of-way (Attachment 7). Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

Zoning:

The zoning classifications in this area are consistent with the intent of the 1996 Master Plan. Residential zoning includes R1 through R4/Urban Residential Districts. Commercial zoning includes RO/Residential Office, B1/Neighborhood Business, B2/Community Business and B3/General Business districts. The subject property is zoned AG/Agricultural and is surrounded by R2/Urban Residential as shown on the enclosed copy of the zoning map (Attachment 10).

SUMMARY:

The Applicant is requesting a variance pursuant to Section 219-17 of the Harford County Sign Code from Section 219-13D(1) to permit a professional sign in excess of 2 square feet (60 square feet proposed), 10-feet in height. If necessary, a variance pursuant to Section 219-17 of the Harford County Sign Code from Section 219-5B to permit the proposed sign to be greater than 35-feet in height above the road grade in an Agricultural District.

The Board may grant a variance from the provisions of this chapter if, by reason of the configuration or irregular shape of the lot or by reason of topographic conditions or other exceptional circumstances unique to the lot or building, practical difficulty or unnecessary hardship results. The Board shall, before granting the variance, make a written finding as part of

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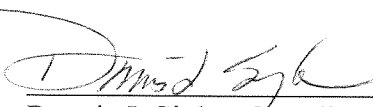
the record that the conditions or circumstances described are unique to the lot or building, that the conditions or circumstances cause difficulty or hardship and that the variance can be granted without impairment of the purpose and provisions of this chapter.

This Department finds that the subject property is unique. The property is an irregular shaped parcel approximately 8.73 acres in size and is bordered on the west side by Tollgate Road and the east side by MD Route 24. The veterinary hospital, offices, buildings housing animals, stalls and runs are all located on the Tollgate Road side of the property. The property includes pastureland, a pond and a wooded area. The site contains a small stream, and rolling to steep terrain. The proposal is to locate a sign on the higher ground near the south end of the property facing the MD Route 24 right-of-way. The sign is to be 6-feet by 10-feet (Attachment 11), and will be situated behind a fenced portion of the pasture. The Code permits signs for this use when located in the Agricultural District to be no more than 2 square feet in size. Due to the width of the State right-of-way at this location, the sign will be located approximately 150-feet from the traveled portion of the road. A 2 square foot sign would be useless. The proposed 60 square foot sign is reasonable given the location and speed of traffic along MD Route 24. It appears that the sign will be less than 35-feet above road grade. The sign is only 10-feet above ground elevation and the property slopes down from MD Route 24 to the area proposed for the sign. Should it be determined that the variance is necessary, the Department finds that the uniqueness of the property is sufficient to justify the requested variance.

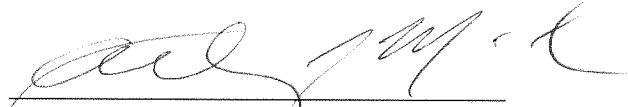
The Town of Bel Air reviewed the subject request since it is within a mile of the town limits. The Town indicated in a letter dated December 29, 2003, that they have no comments regarding the request (Attachment 12).

RECOMMENDATION and/or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the Applicant obtaining all necessary permits and inspections for the sign.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka